

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 16-17679
Non-Argument Calendar

D.C. Docket No. 2:06-cr-00298-WKW-SRW-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REGINALD LASHAWN SAWYER,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama

(January 3, 2019)

Before WILSON, ROSENBAUM and BLACK, Circuit Judges.

PER CURIAM:

Reginald Lashawn Sawyer appeals the district court's sua sponte determination that he is not eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2). Sawyer contends on appeal that: (1) he is eligible for a sentence reduction under § 3582(c)(2) because the Sentencing Commission, through Amendment 782, subsequently lowered the Guidelines ranges applicable to his sentence, as calculated under U.S.S.G. § 1B1.10(c); and (2) the district court abused its discretion by determining Sawyer would not be entitled to a sentence reduction even if he were eligible under § 3582(c)(2). We need not address Sawyer's second contention because we conclude Sawyer was ineligible for relief under § 3582(c)(2).

A defendant may be entitled to a reduced sentence under § 3582(c)(2) if he “has been sentenced to a term of imprisonment *based on* a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2) (emphasis added). While this appeal was pending, the Supreme Court issued its opinion in *Koons v. United States*, 138 S. Ct. 1783 (2018). *Koons* held that sentences are not “based on” Guidelines ranges that subsequently have been lowered by the Sentencing Commission” if “the ranges play[ed] no relevant part in the judge’s determination of the defendant’s ultimate sentence.” *Id.* at 1788 (quotation and alteration omitted). Because the petitioners in *Koons* received sentences “based on” mandatory minimums and substantial assistance to the

Government, and not on Guidelines ranges that subsequently were lowered by the Sentencing Commission, the petitioners did not qualify for reduced sentences under § 3582(c)(2). *Id.*

Koons is dispositive of Sawyer's appeal. Like the petitioners in *Koons*, Sawyer's sentence was based on mandatory minimums and substantial assistance to the Government. The Guidelines ranges for Sawyer's drug offenses, which subsequently have been lowered by the Sentencing Commission, "play[ed] no relevant part in the judge's determination of [Sawyer's] ultimate sentence." *Id.* Consequently, Sawyer is not eligible for a reduced sentence under § 3582(c)(2).

AFFIRMED.